

**ORDINANCE NO. 2016 - \_\_\_\_**  
**CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE FOR REZONING; A REZONING OF A TRACT CONTAINING 0.54 ACRES ZONED A NON-CONFORMING A-1 GENERAL AGRICULTURAL DISTRICT, REZONED TO A CONFORMING R-3 SINGLE FAMILY RESIDENTIAL DISTRICT.**

**WHEREAS**, an application for a Rezoning was filed with the Planning and Development Department of the City of Cave Springs, Arkansas, on the 21<sup>st</sup> day of June 2016 by The applicants, Alejandro and Maribel Loyola, agents and current tenants for the owners Jimmie G. and Rhonda L. Edwards, request a rezoning from a non-conforming A-1 General Agriculture Zoning District to a conforming R-3 Single-Family Residential Zoning District on a 0.54 acre tract of land. As of May 31<sup>st</sup> 2016, the applicants have submitted a Business License application for a Home Occupation, Loyola's Trim, a Maintenance Service business that conducts off-site construction services. The City will issue the submitted Business License contingent upon the Planning Commission approval of the Rezoning of the subject property to a conforming R-3 Single-Family Residential Zoning District. The applicants have additionally requested a Conditional Use (CSPCCU-16-05) to have more than one (1) truck kept on the premises related to the Home Occupation business. Simultaneously in conjunction with the Planning Commission requests, the applicants have also requested the additional approval of four (4) variances from the Board of Zoning Adjustment (BZA), reference case (CSBZA-16-04). The four (4) requested variances are as follows: A lot width variance, a surfacing paved driveway variance, a variance for a home occupation to have employees who do not reside at the subject property and a variance to operate a dispatch center, where employees can come to the subject property to be dispatched to other locations. Only two (2) of the requested variances were granted from the Board of Zoning Adjustment (BZA): A lot width variance and a variance for a home occupation to have employees who do not reside at the subject property.

**WHEREAS**, after due notice, as required by law, at a regular meeting held August 2<sup>nd</sup>, 2016, and a second regular meeting held September 6<sup>th</sup>, 2016 at the time and place mentioned in all notifications, heard by all persons desiring to be heard on the question and as ascertained of the requested Rezoning, the Cave Springs Planning Commission (CSPC), voted unanimously on September 6<sup>th</sup>, 2016 recommending APPROVAL to the City Council of Cave Springs of the following; Rezoning request by Alejandro and Maribel Loyola, agents and current tenants for the owners Jimmie G. and Rhonda L. Edwards, for real estate described to-wit:

**CSZ-16-05 | Edwards:**

The applicants, Alejandro and Maribel Loyola, agents and current tenants for the owners Jimmie G. and Rhonda L. Edwards, request a rezoning from a non-conforming A-1 General

Agriculture Zoning District to a conforming R-3 Single-Family Residential Zoning District on a 0.54 acre tract of land located at 1011 W. Shores Avenue, Cave Springs, AR 72718

**ADDRESS:** 1011 W. Shores Avenue, Cave Springs, AR 72718

**PARCEL:** 05-10009-000

**STR:** Section 6, Township 18 North, Range 30 West

**TRACT LEGAL:** Part Of The NW 1/4 Of The Ne 1/4 Of Section 6, Township 18 North, Range 30 West, Benton County, Arkansas, Being More Particularly Described As Follows: Beginning At A Found Iron Pin At The NW Corner Of Tract 1 As Shown On The Tract Split Recorded In Plat Record "2004" At Page 589; Thence S86°43'-4"E 103.92 Feet; Thence S08°50'01"W 205.25 Feet; Thence S69°43'52"W 81.76 Feet To A Found Iron Pin; Thence S00°44'37"W 73.83 Feet To Found Iron Pin; Thence N86°34'54"W 26.64 Feet; Thence N05°54'37"E 310.97 Feet To The Point Of Beginning, Containing 23,730 Square Feet Or 0.54 Acres, More Or Less, Being Subject To Any Easements, Covenants Or Restrictions Of Record Or Fact.

**LOT SIZE:** 0.54 acres (23,522 ft<sup>2</sup>)

**NOW, THEREFORE,** be it enacted by the City Council of the City of Cave Springs as follows;

**Section 1.** That the above described real estate be APPROVED for a Rezoning from a non-conforming A-1 General Agriculture Zoning District to a conforming R-3 Single-Family Residential Zoning District on a 0.54 acre tract of land located at 1011 W. Shores Avenue, Cave Springs, AR 72718, as requested; unanimously recommended for APPROVAL by the Cave Springs Planning Commission (CSPC); That upon the conclusion of a properly advertised public hearing and meaningful deliberation, the City Council of Cave Springs, by unanimous vote, did APPROVE the above styled applications and request, Done this 13th day of September, 2016:

**Section 2.** This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

**Section 3.** The Official Zoning Map of the City of Cave Springs, Benton County, Arkansas is hereby amended to reflect the Rezoning.

**PASSED AND APPROVED** this 13<sup>th</sup> day of September, 2016:

**APPROVED:**

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Travis Lee, Mayor

**ATTEST:**

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Kimberly Hutcheson, City Recorder | Treasurer  
(SEAL)